

DEIRDRE L. BOSTICK,)
)
Plaintiff,) ORDER
)
v.)
) Case No. 1:18CV1042
)
CABARRUS COUNTY DEPT. OF)
HEALTH AND HUMAN SERVICES,)
)
Defendant)

In forma pauperis status under 28 U.S.C. § 1915 “is intended to guarantee that no citizen shall be denied access to the courts solely because his poverty makes it impossible for him to pay or secure the costs.” Nasim v. Warden, Maryland House of Correction, 64 F.3d 951, 953 (4th Cir. 1995). “A litigant is not required to show that he is completely destitute in order to qualify as an indigent within the meaning of § 1915(a). . . . However, the ‘privilege to proceed without posting security for costs and fees is reserved to the many truly impoverished litigants who, within the District Court’s sound discretion, would remain without legal remedy if such privilege were not afforded to them.’” Stallings v. Warden of Evans Correctional Inst., 8:10CV2668, 2010 WL 5387488 (D.S.C. Dec. 22, 2010) (quoting Brewster v. N. Am. Van Lines, Inc., 461 F.2d 649, 651 (7th Cir. 1972)). In the present case, based on the information presented in the Affidavit, Plaintiff would not be without a legal remedy if she were denied *in forma pauperis* status. Instead, Plaintiff would have to “confront the initial dilemma which faces most other potential civil litigants: is the merit of the claim worth the cost of pursuing it?” Hayes v. Potter,

2:07CV825, 2007 WL 1582656 (D.S.C. May 31, 2007) (quoting Carroll v. United States, 320 F. Supp. 581, 582 (S.D. Tex. 1970)). Based on the information presented, the Court concludes that Plaintiff must pay the \$400.00 filing fee but will permit her to do so in monthly installment payments.

IT IS THEREFORE ORDERED that Plaintiff's Application for Leave to Proceed In Forma Pauperis and Affidavit/Declaration in Support [Doc. #1] is GRANTED, and Plaintiff is hereby permitted to proceed in this action *in forma pauperis*, pursuant to 28 U.S.C. § 1915(a). As a condition of further proceeding Plaintiff must, within 30 days from the date of this Order, pay \$50.00 to the Clerk toward the filing fee or this action will be dismissed without further notice to her. Plaintiff shall thereafter pay to the Clerk \$50.00 each month or this action will be dismissed without further notice to her. Plaintiff is responsible for preparing and delivering to the Clerk, the correct summons for service on each Defendant, including the correct address and the name and title of the individual to be served on behalf of a corporation, association, infant, incompetent or government agency. Failure to prepare and deliver said summons within 14 days from the filing of this Order shall result in this case being dismissed without further notice. The U.S. Marshal shall serve the summons and complaint upon Defendants.

FAILURE TO COMPLY WITH THIS ORDER IN A TIMELY MANNER WILL RESULT IN DISMISSAL OF THIS ACTION WITHOUT FURTHER NOTICE TO PLAINTIFF.

This, the 2nd day of January, 2019.

/s/ Joi Elizabeth Peake
United States Magistrate Judge